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SIPDIS

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SUBJECT: TURKEY REQUESTS REVIEW OF US THIRD COUNTRY
TRANSFER PROCEDURES

REF: A. 30 JUNE 2004 EMBASSY ANKARA DIPLOMATIC NOTE

B. 24 SEPT 2004 SCWG ACTION ITEM LIST

1. This is an Action Request. Post has received a Diplomatic Note that responds to Action Item No. 4 from the Sept. 24, 2004 Security Cooperation Working Group (SCWG) meeting held in Ankara, and to the 30 June 2004 Embassy Dip Note outlining specific questions Turkey must answer for every Third Country Transfer and military equipment disposal request. At the SCWG, the US side invited the Turks to voice their difficulties with fulfillment of the US information requirement. The TU Dip Note does that, particularly for very old and unserviceable items, and requests a review of USG Third Party Transfer and disposal procedures. Deputy PolMilCouns explained to MFA Americas Affairs representatives that these requirements are standard and unlikely to change but agreed to forward the Turks' concerns for consideration. Action Request: Post requests Department review Turkish Diplomatic Note 2005/ALGY/89300 with DOD/OSD/DSCA and provide guidance on a response.

2. BEGIN TEXT OF TU DIPLOMATIC NOTE 2005/ALGY/89300:

The Ministry of Foreign Affairs of the Republic of Turkey presents its compliments to the Embassy of the United States of America and with reference to the 19th Security Cooperation Working Group (SCWG) meeting held in Ankara on 24 September 2004, the follow-up meeting held in ODC/Ankara on 17 November 2004 and the Note No.1010 dated June 30, 2004 has the honor to state the following.

It will be recalled that the Action items of the 19th SCWG meeting have been closed except for the pending 3rd and 4th items regarding the processing of Third Country Transfers and disposal procedures. As stated in the fourth Action Item of the SCWG meeting, it was agreed that the Ministry of Foreign Affairs of Turkey would communicate to the Department of State of the USA requesting a review of Third Country Transfers and disposal procedures.

The Turkish General Staff has completed an extensive study concerning the general list of questions that was forwarded to the Ministry in the attachment of the referred Note. The findings of this study explain in detail why it is difficult, or in some cases even impossible for the Turkish side to provide baseline information as requested.

The Ministry would appreciate it if the relevant US authorities would kindly review the Third party Transfers and disposal procedures in light of the enclosed list of information.

A flexible approach as identified in the following paragraphs regarding the procedure would help Turkish authorities to meet the requests in a more timely and complete manner.

- The consideration of the US side of the method as to how the articles in the inventory of the Turkish Armed Forces have been acquired and transferred (grant, procurement, transfer, etc.)

- The granting of a blanket approval for the basic arms systems to be transferred to the Third Countries rather than specifying in the list separately for each spare part.

- A concrete definition of articles stated within the contents of the exchange of Notes concerning end user permissions, and statement of points of contacts as well as reporting periods would be helpful.

- Setting a time frame and criteria for the political assessment of the concerning countries to which the transfer will be made.

- Facilitating the requests and shortening the procedures involved the concerning countries that have signed the Blanket Assurance Treaties within the framework of the Defense Trade Security Initiative.

The Ministry of Foreign Affairs of the Republic of Turkey avails itself of this opportunity to renew to the Embassy of the United States of Americas the assurances of its highest consideration.

END TEXT.

13. Following is an attachment to the TU Dip Note that generally answers each of the questions posed in the Embassy's June 2004 Dip Note. (Note: The Embassy provided these questions after consultation with PM/RSAT in response to TGS complaints that the Third Country Transfer process was too slow and asking what information TGS could provide to speed up the review.

BEGIN TEXT:

THE TURKISH EXPLANATIONS
REGARDING THE BASELINE QUESTIONS
ON THIRD PARTY TRANSFERS

QUESTION 1: Who is the proposed recipient of the article or service? Is it a government or is it a private entity?

EXPLANATION 1: The proposed recipients of the articles or services are the respective Ministries of Defense of friendly and allied countries. However, these recipients may also be some private institutions. There are difficulties in pre-determining the name of the relevant company or private entity in advance specifically due to the bidding processes and conditions.

QUESTION 2: Who are the points of contact (including name and telephone number) for the divesting government, the proposed recipient, and any intermediaries?

EXPLANATION 2: Intermediary institutions or people are not involved in third party transfer operations of the articles. The points of contact of the divesting government can only be determined after the plan for the transfer of articles is completed. Therefore, it would be appropriate to cancel this question.

QUESTION 3: If intermediaries are involved, what is their role?

EXPLANATION 3: Intermediary institutions or people are not/will not be involved in third party transfer operations of the articles. Therefore, it will also be appropriate to cancel this question.

QUESTION 4: What defense article/defense service/technical data is to be transferred? Please provide as much as possible.

EXPLANATION 4: The information regarding the defense articles/defense service/technical data to be transferred to third parties will be provided as usual.

QUESTION 5: Is this a temporary or a permanent transfer?

EXPLANATION 5: This question can not be addressed at this stage, since this issue can be determined according to bilateral agreements on the basis of the respective situation.

QUESTION 6: How did Turkey originally acquire the defense article, defense service or technical data? Was it through Foreign Military Sales (FMS), the Military Assistance Program (MAP), the Excess Defense Articles (EDA) program, drawdown, or through a direct commercial sale (DCS)?

EXPLANATION 6: The source and method of acquisition of the US-originated articles added to the inventory of the Turkish Land Forces between 1950-1970 are not definitely known, because this information is not included in the records. However, information regarding the articles added to the inventory of the Turkish Land Forces through the FMS programme after the 1970,s is limited by the FMS contracts and inventory records. It is also understood from various contacts with the US authorities that the records of these articles are not available in the US records either. In this respect, it would be appropriate to cancel this question.

QUESTION 7: Was the defense article, service or technical data acquired with national funds or as a grant from the Government of the United States?

EXPLANATION 7: The source and method of acquisition of the US-originated articles added to the inventory of the Turkish Land Forces between 1950-1970 are not definitely known, because this information is not included in the records. However, information regarding the articles added to the inventory of the Turkish Land Forces through the FMS programme after the 1970,s is limited by the FMS contracts and inventory records. It is also understood from various contacts with the U.S. authorities that the records of these

articles are not available in the US records either. In this respect, it would be appropriate to cancel this question.

QUESTION 8: Does Turkey wish to request retention of net proceeds? If the articles were acquired by grant and were delivered prior to 1985, Turkey may request a waiver to retain the net proceeds from the disposition.

EXPLANATION 8: Especially in the case of overseas operations, as the return of the disposed article is expensive and it is not found appropriate by the USG to bring back US-originated articles already reserved for disposal, and as the cost of the disposal process is almost the same as the disposed article itself, it would be appropriate not to demand the net proceeds of the disposed article by the USG.

QUESTION 9: What is the proposed recipient,s planned end-use for articles?

EXPLANATION 9: It is in conformity with the internationally established practices for the third party, as the last user, to officially declare the reason for the use of the article. Therefore, this information can be provided by the Turkish side.

QUESTION 10: If defense services (e.g. training) are to be provided, a detailed account (level and type of maintenance, access to which specific systems, flight training syllabi, etc.) must be provided so this information may be conveyed to the relevant US services for a technology review.

EXPLANATION 10: The issue of providing service (training) to the third parties can be added to the agenda only if the granted US-originated article is used in providing that specific service. This issue can be evaluated on the basis of the respective situation.

QUESTION 11: What is the original acquisition value of the defense article, service or technical data?

EXPLANATION 11: The original acquits ion value of the defense article, service or technical data cannot be obtained. Therefore, it would be appropriate to cancel this question.

QUESTION 12: What is the estimated current value of the defense article, service or technical data?

EXPLANATION 12: It would be appropriate to cancel this question due to the following reasons:

- Only a subjective evaluation can be made regarding the actual value of the articles which are granted by the US, yet not longer produced in the US, as well as of the training provided in previous years.
- The actual price of the defense articles, services and technical information can not be known, as there is no accounting record for the re-utilization of the articles in the inventory.

QUESTION 13: When did Turkey originally acquire the defense article, service or technical data?

EXPLANATION 13: The source and method of acquisition of the US-originated articles added to the inventory of the Turkish Land Forces between 1950-1970 are not definitely known, because this information is not included in the records. However, information regarding the articles added to the inventory of the Turkish Land Forces through the FMS programme after the 1970,s is limited by the FMS contracts and inventory records. It is also understood from various contacts with the US authorities that the records of these articles are not available in the US records either. In this respect, it would be appropriate to cancel this question.

END TEXT.
EDELMAN